

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

NATHAN CRAWFORD

Plaintiff,

v.

2:23-CV-152-Z-BR

WEST TEXAS A&M UNIVERSITY and
TEXAS A&M UNIVERSITY SYSTEM

Defendants.

ORDER

Before the Court is Defendant Texas A&M University System's ("TAMU System") Motion to Dismiss ("Motion") (ECF No. 6), filed on November 27, 2023. Plaintiff filed his response (ECF No. 10) on December 11, 2023. Having reviewed the briefing and the relevant law, the Court **GRANTS** TAMU System's Motion.

ANALYSIS

Plaintiff brought a constructive discharge retaliation case against Defendants under Title VII. ECF No. 1. TAMU System argues it should be dismissed without prejudice because Plaintiff "does not even allege it is his employer." ECF No. 7 at 2; *see* ECF No. 6 at 2 (TAMU System's request to be dismissed without prejudice). Plaintiff agrees. *See* ECF No. 10 at 1 ("Plaintiff does not object to the dismissal of [TAMU System]."). And so does this Court.

A complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. *Gonzalez v. Kay*, 577 F.3d 600, 603 (5th Cir. 2009); *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009). In Title VII actions, a plaintiff must sufficiently allege that a university system was his employer to survive dismissal under Rule 12(b)(6). *See Shahrashoob v. Texas A&M Univ. Sys.*, No. CV H-22-699, 2022 WL 3702264, at *4 (S.D. Tex. Aug. 26, 2022)

(dismissing claims against TAMU System because plaintiff did not allege that it was her employer and exercised control over her); *see also Ridha v. Texas A&M Univ. Sys.*, No. 4:08-CV-2814, 2009 WL 1406355, at *4 (S.D. Tex. May 15, 2009) (same).

By his own admission, Plaintiff made no such employment allegation here. ECF No. 10 at 1. TAMU System should thus be dismissed without prejudice. The Court **GRANTS** its Motion accordingly.

SO ORDERED.

January 31, 2024



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE